

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOHN J. CONNOLLY, JR.
Petitioner

VS.

UNITED STATES OF AMERICA
Respondent

CIVIL ACTION NO. 2004-CV-12396-JLT

**JOINT MOTION OF PETITIONER AND RESPONDENT
TO STAY PROCEEDINGS ON THIS 28 U.S.C. §2255 PETITION**

NOW COME John J. Connolly, Jr. (hereinafter, the "Petitioner"), and the United States of America (hereinafter, "Respondent"), who respectfully move this Honorable Court to enter an order staying further proceedings on this 28 U.S.C. §2255 petition.

In support hereof, the parties state that on or before May 23, 2005, the Petitioner shall file a motion for new trial pursuant to Rule 33 of the Fed. R. Crim. P., in the companion matter of *United States of America v. John J. Connolly, Jr.*, 99-CR-10428-JLT. This motion for a new trial will be filed as required within this time period in compliance with the three (3) year time limitation period from the date of the original verdict.

Accordingly, any relief that may be granted by this Court pursuant to the said Rule 33 motion would necessarily affect the present sentence of the Petitioner. Therefore, in the interests of practicality and judicial efficiency, the parties seek to avoid putting the proverbial cart before the horse, and respectfully request that they be allowed to first proceed with the adjudication of the Petitioner's Rule 33 motion for a new trial, and then, as may be necessary, proceed with the appropriate hearing on this petition.

WHEREFORE, the parties respectfully request that this court enter the following order:

- That these proceedings are hereby stayed until such time as there is a final adjudication by this Court on the Rule 33 motion for new trial to be filed on or before May 23, 2005, by the Petitioner, or upon the allowance of a subsequent motion filed by any party hereto requesting that the stay be vacated.
- That at such time as this stay may be vacated by this court, the Respondent shall have thirty (30) days thereafter to file its response to the petition; and

- That notwithstanding the allowance of this stay, all the rights of the Petitioner relative to his having filed this petition in a timely manner under 28 U.S.C. §2255 shall be deemed for all purposes hereinafter to have been fully complied with, and shall not otherwise be deemed to constitute a waiver by the Petitioner of any of his rights or relief requested to be granted thereunder.

DATED: May 3, 2005

Respectfully submitted,

UNITED STATES OF AMERICA

By its attorney,

/s/ John H. Durham

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JOHN J. CONNOLLY, JR.

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